



U.S. Department of Justice

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August 11, 2022

Hon. Marian W. Payson
United States Magistrate Judge
100 State St.
Rochester, NY 14614

Re: ***United States v. Mark Phillips* | 22-CR-6058 (CJS/MWP)**

Dear Judge Payson:

I am writing to request an extension of time to file the government's response to the Defendant's Motion to Dismiss, which was served on August 1, 2022 and subsequently filed as Dckt. 37. According to the original scheduling order, defense motions were previously required to be filed on July 1, 2022, with the government's response due on July 22, 2022. The original order permitted the government a three-week period in which to respond.

On June 28, 2022, the Court granted the defense an extension of time to file until August 1, 2022, with the government's response due on August 15, 2022, narrowing the government's response time to two weeks.

I was on leave during the week that the defendant's motion was served, which has further narrowed my time to respond to one week.

Although I am diligently working on the government's response, given the above and considering the nature of the defendant's motion, I would respectfully request an extension of time to file. I would note that this is the government's first request for such an extension.

I have spoken with Ms. Abate and she does not object to this request. Ms. Abate has further indicated that she will be out of the Country until September 1, 2022 and would request that oral argument be scheduled after that date.

Thank you for your consideration.

Request for adjournment granted. The government's response shall be filed by August 22, 2022. Oral argument shall be heard on 9/8/22 at 12 pm.
SO ORDERED.

Marian W. Payson

Marian W. Payson, U.S.M.J.
August 15, 2022

cc: Camille Abate, Esq.

Respectfully,

TRINI E. ROSS
United States Attorney

s/Kyle P. Rossi

BY: KYLE P. ROSSI
Assistant United States Attorney